THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 18773 of 2002

DATED: 22-08-2007

Between:-

Penkey Subba Rao s/o Nookayya Naidu, age 70 years, R/o Indrapalem, Kakinada, East Godavari District.

…PETITIAONER

And

Probhition and Excise Superintendent, Kakinada, East Godavari District and another.

…RESPONDENTS

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O R D E R

Questioning the action of the 2nd respondent, in demanding an amount of Rs. 7,040/- plus Rs. 30,485.19 ps. as principal and penal interest, as arbitrary and illegal, the present writ petition is filed.

Learned Government Pleader for Prohibition places before this Court a fax letter issued by the Prohibition and Excise Department, Kakinada, wherein it is stated that the principal amount of Rs. 7,040/- had been paid by the petitioner vide Challan No. 1725, dated 09-08-2007 under one time settlement scheme issued in G.O.Ms.No. 320, dated 10-06-2002 with extended time limit upto 31-10-2007. Learned Government Pleader for Prohibition would submit that payment made under G.O.Ms.No. 320 dated 10-6-2002, which was extended upto 31-10-2007, would entitle the petitioner for the benefit of waiver of penal interest of Rs. 30,485/-.

In as much as the petitioner has already paid the principal amount of Rs.7,040/- and, since payment of this principal amount would entitled him to claim the benefit of waiver of interest of Rs. 30,485/- under G.O.Ms. No. 320, dated 10-06-2002, the cause in

the writ petition does not survive adjudication and the writ petition is, accordingly, dismissed. No costs.

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RAMESH RANGANATHAN, J

Dated: 22-08-2007
vp